

Horan, Brian

From: Ronald Coleman [rcoleman@GoetzFitz.com]
Sent: Thursday, October 06, 2011 5:43 PM
To: Kleinman, Alan
Cc: Horan, Brian; Gary M. Kushner
Subject: RE: In re OTR

This office does not take instructions from the Corporation Counsel of the City of New York. Putting the word "please" in front of a sentence written in the imperative does not make it **not** an instruction. The court issues the orders, not the City of New York. (This is not the ECB, so those are not the same thing.) And there is no order in place requiring the letter the City is demanding so imperiously below.

The "advice" you refer to was, as I have been given to understand it, that the Debtor would provide reassurance regarding an alleged statement by an unnamed non-debtor plaintiff's counsel. We asked that the City provide the name of the speaker and allow us to ascertain first-hand whether the City's expressed "concern" had any basis. The City has not done that. Absent that "advice," it would be more than irresponsible to provide that letter – it would be unethical, because the Debtor cannot provide "reassurance" unless and until we know what the City is talking about.

That won't happen until the City knows what it's talking about. We eagerly await "advice" of that occurrence. The "immediately" is up to the defendant.

Thank you.

Ronald D. Coleman

[GOETZ FITZPATRICK LLP](#)

One Penn Plaza
 New York, NY 10119

Work: 212.695.8100 x267
 Email: rcoleman@goetzfitz.com
 IM: RonColeman85 (AIM)

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From: Kleinman, Alan [mailto:akleinma@law.nyc.gov]
Sent: Thursday, October 06, 2011 5:13 PM
To: Gary M. Kushner; Ronald Coleman
Cc: Horan, Brian
Subject: In re OTR

In Court on September 28, 2011, you advised the Court that you would provide us with a letter of assurance, no later than this past Tuesday, October 4, 2011, that the non-debtor plaintiffs have taken no actions contrary to the requirements of the Stipulation and Order dated September 2, 2011, and that they continue to be in compliance with the final decretal paragraph of that Order. Please provide this letter immediately. Thank you.

Alan H. Kleinman
 Senior Counsel
 Affirmative Litigation Division
 New York City Law Department
 100 Church Street
 New York, NY 10007-2601
 (212) 788-1012

10/11/2011